

## REMARKS

### I. Status Summary

Claims 1-6, 8-11, 16-25, 27-30, 33-39, and 41-44 are pending in the present application. Claims 3, 6, 8-11, 17, 22, 25, 27-30, 33-39, and 41-44 have been withdrawn as by the U.S. Patent and Trademark Office (hereinafter "the Patent Office") as being directed to non-elected subject matter. Claims 1, 2, 4, 5, 16, 18-21, 23, and 24 have been examined and currently stand rejected.

Claims 1, 18, and 23 have been amended. Withdrawn claims 11, 28, and 43 have been amended. The specification has been amended. Support for the amendments can be found in the instant application as filed. No new matter has been added.

Reconsideration of the application in view of the submissions and the remarks set forth herein below is respectfully requested.

### II. Amendments to the Specification

The Patent Office has objected to the specification for not containing a specific reference to the prior-filed application(s). The Patent Office has further objected to the specification for allegedly not containing an abstract.

Initially, applicants respectfully submit that the specification has been amended herein to add a paragraph referencing prior-filed applications. The prior-filed applications were referenced in the Declaration under 37 CFR § 1.63 filed with the subject application on September 28, 2006, and noted on the Filing Receipt mailed by the Patent Office on September 6, 2007. No new matter has been added.

Applicants respectfully submit that the subject application is a national stage filing of PCT International Patent Application No. PCT/CA2005/000472, filed March 30, 2005. Applicants respectfully submit that PCT/CA2005/000472 as filed on March 30, 2005 contained an abstract on a separate page, i.e., page 39. While it appears that the International Bureau did not transmit a copy of page 39 of PCT/CA2005/000472 as filed, the abstract of the application is recited in the front page of the publication of PCT/CA2005/000472, i.e., WO2005/094880. The abstract also appears in the

publication of the subject U.S. patent application, i.e., U.S. Patent Application Publication No. 2008/0050391.

Accordingly, applicants respectfully submit that the Patent Office's objections to the specification have been addressed.

III. Response to Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 4, 5, 16, 18-21, 23, and 24 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. More particularly, the Patent Office contends that claims 1 and 18 are indefinite because the phrase "without invoking the biological function of the antigen" is unclear.

After careful consideration of the rejection and of the Patent Office's comments, applicants respectfully traverse the rejection and offer the following remarks.

Initially, applicants respectfully submit that claims 1 and 18 have been amended herein to recite "without compromising the function of the antigen." In addition, claims 1 and 18 have been amended to recite that the soluble antigen is a plasma protein. Support for the amendments can be found in the application as filed at page 3, lines 8-9. Additional support with regard to plasma proteins can be found, for example, in claims 5 and 11, which recite known plasma proteins, such as ovalbumin, albumin, and transferrin. No new matter has been added.

In view of the amendment, applicants respectfully believe that the Patent Office's remarks regarding "without invoking the biological function of the antigen" have been rendered moot. Applicants further respectfully believe that claims 1 and 18 meet the requirements of 35 U.S.C. § 112, second paragraph.

Each of claims 2, 4, 5, 16, 19-21, 23, and 24 depend from one of claims 1 or 18. Thus, applicants respectfully submit that claims 2, 4, 16, 19-21, 23, and 24 also meet the requirements of 35 U.S.C. § 112, second paragraph.

Applicants respectfully request that the rejection of claims 1, 2, 4, 5, 18-21, 23, and 24 under 35 U.S.C. § 112, second paragraph, be withdrawn and further ask that claims 1, 2, 4, 5, 18-21, 23, and 24 be allowed at this time.

IV. Response to Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1, 2, 4, 5, 16, 18-21, 23, and 24 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Patent Office contends that the phrase “without invoking the biological function of the antigen” could be interpreted as including the ability of the molecule to function as an antigen.

After careful consideration of the rejection and the Patent Office’s comments, applicants respectfully traverse the rejection and offer the following remarks.

Initially, as described hereinabove, applicants respectfully submit that claims 1 and 18 have been amended herein to recite “without compromising the function of the antigen.” In addition, claims 1 and 18 have been amended to recite that the soluble antigen is a plasma protein. Support for the amendments can be found in the application as filed at page 3, lines 8-9. Additional support with regard to plasma proteins can be found, for example, in claims 5 and 11, which recite known plasma proteins, such as ovalbumin, albumin, and transferrin. No new matter has been added.

In view of the amendment, applicants respectfully submit that the Patent Office’s comments with regard to the phrase “without invoking the biological function of the antigen” have been rendered moot.

Applicants further respectfully submit that claims 1 and 18 meet the enablement requirement of 35 U.S.C. § 112, first paragraph. For example, the instant application provides evidence that immune thrombocytopenia can be treated by administration of ovalbumin (OVA) and anti-OVA antibodies. See Figures 3A and 3B and Instant Specification, page 13, line 28 to page 14, line 1. See also, Figures 8A and 8B and Instant Specification, page 19, lines 3-9. The instant application further provides evidence with regard to the treatment of immune thrombocytopenia with antibodies specific for other soluble, plasma protein antigens, e.g., albumin or transferrin. See Figure 8B and Instant Specification, page 19, lines 10-15. The treatment of arthritis with anti-albumin antibodies according to the presently disclosed methods is described in the instant specification at page 21, lines 21-25 and Figures 10A and 10B.

Each of claims 2, 4, 5, 16, 19-21, 23, and 24 depend from one of claims 1 or 18. Thus, applicants respectfully submit that claims 2, 4, 16, 19-21, 23, and 24 also meet the enablement requirement of 35 U.S.C. § 112, first paragraph.

Accordingly, applicants respectfully request that the rejection of claims 1, 2, 4, 5, 16, 18-21, 23, and 24 under 35 U.S.C. § 112, first paragraph, be withdrawn and further ask that claims 1, 2, 4, 5, 18-21, 23, and 24 be allowed at this time.

V. Response to Rejections under 35 U.S.C. § 102(b) over Siragam

Claims 1, 2, 4, 5, 16, 18, 20, 21, 23, and 24 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Siragam et al. (*Blood*, 104, abstract 104 (2004); hereinafter "Siragam"). The Patent Office contends that the limitation "without invoking the biological function of the antigen" does not find support in any of the applications to which the subject application claims priority (i.e., U.S. Provisional Patent Application Serial No. 60/558,080; U.S. Provisional Patent Application Serial No. 60/613,712; and PCT International Application No. PCT/CA2005/000472), and that, therefore, the priority date of the instant application is its filing date. The Patent Office further contends that Siragam teaches a method of treating idiopathic thrombocytopenic purpura (ITP) using pre-formed ovalbumin/IgG antibody complexes.

After careful consideration of the rejection and the Patent Office's comments, applicants respectfully traverse the rejection and offer the following remarks.

Initially, as described hereinabove, applicants respectfully submit that claims 1 and 18 have been amended herein to recite "without compromising the function of the antigen," and to recite that the soluble antigen is a plasma protein. Support for the amendments can be found in the application as filed at page 3, lines 8-9. Additional support with regard to plasma proteins can be found, for example, in claims 5 and 11, which recite known plasma proteins, such as ovalbumin, albumin, and transferrin. No new matter has been added.

Applicants respectfully disagree with the Patent Office's contention that the currently pending claims do not have support in the priority applications. In particular, applicants respectfully submit that, without acquiescing to the Patent Office's comments, the phrase "without invoking the biological function of the antigen" in the

claims has been replaced by the phrase "without compromising the function of the antigen." The phrase "without compromising the function of the antigen" has clear support at least in PCT/CA2005/000472 as filed on March 30, 2005, at page 3, lines 8-9, and in paragraph [0006] on page 2 of U.S. Provisional Patent Application Serial No. 60/613,712, which was filed on September 29, 2004.

Applicants respectfully believe that, based on the website for the journal *Blood*, Siragam was published in issue 11 of volume 104 of the journal on November 16, 2004. Thus, applicants respectfully submit that Siragam was published after the priority date of the subject application. Accordingly, applicants respectfully ask that Siragam be removed as prior art to the instant application.

Applicants respectfully request that the instant rejection under 35 U.S.C. § 102(b) over Siragam be withdrawn and further request that claims 1, 2, 4, 5, 16, 18, 20, 21, 23, and 24 be allowed at this time.

#### VI. Other Amendments and Rejoinder of Additional Species

In addition to the amendments to claims 1 and 18 as noted hereinabove, applicants also respectfully submit that claim 23 and withdrawn claims 11, 28, and 43 have been amended herein.

More particularly, applicants respectfully submit that claim 23 has been amended herein to remove a redundant punctuation mark that appears to have been inadvertently added in the preliminary amendment filed with the subject application.

Each of withdrawn claims 11, 28, and 43 have been amended to correct a typographical error with regard to the spelling of "transferrin."

Support for the amendments can be found in claims 11, 23, 28, and 43 as filed. No new matter has been added.

In view of the presently presented Amendment and Remarks, applicants respectfully submit that the presently elected generic claims, e.g., claims 1 and 18, are believed to be free of the art. Applicants respectfully ask that the Patent Office consider rejoinder of additional species and claims reciting said additional species, i.e., claims 3, 6, 8-11, 17, 22, 25, and 27-30, in accordance with Manual of Patent Examining Procedure § 803.02.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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